IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

LETTERS PATENT APPEAL NO. 225 OF 2006

Binay Bahadur Srivastava .... Appellant

vs

Vidyadhar Hemchandra Mody ... Respondent

Mr.Binay Bahadur Srivastava in person

Mr.Vidyadhar Hemchandra Mody in person

CORAM: D.G.DESHPANDE AND SMT.ROSHAN DALVI, JJ

DATE : 5th December, 2006

P.C.

1. Heard the petitioner and the respondent in person.

2. The respondent says that his advocate is busy

in some matter at Bandra Court and would not be available till 22nd December, 2006. He prayed for time till 22nd December, 2006 which means that he wants the case to be adjourned beyond vacation. On the other hand, counsel for the petitioner contended that he is a decree holder of the decree for ejectment of the premises. Two Courts below have given a finding in his favour. He got the decree executed. But, the respondent filed a petition challenging the final order and as a result of the order passed in that petition, the petitioner landlord was required to hand over the posession back to the tenant within 24 hours and when he applied for vacating the stay, the prayer was rejected by an order dated 15th September, 2006 and the when the petitioner prayed for early hearing, he was given liberty to apply for early hearing after six months. That order is dated 15th September, 2006. Three months out of that will be complete on 15th December, 2006.

3. The petitioner contended that he would be satisfied if the main petition bearing No.7942 of 2005 is expedited and fixed for hearing. We find the prayer reasonable and therefore, we request the Single Judge to take up Petition No. 7942 of 2005

for final hearing as early as possible. We tentatively fix the date for final hearing as 22nd January, 2007. We hope that the petition will be heard and decided before the end of February, 2007.

4. This order was understood by the respondent and explained to him in Hindi.

5. L.P.A. is disposed of with these directions.

(Smt R.S.Dalvi,J) **(D.G.Deshpande, J)**